

REMARKS

Interview Summary

Applicants thank Examiner Raymond for his time and attention in the personal interview held on June 23, 2004. In the interview, Applicants' Representative presented proposed claim amendments to overcome the improper Markush group rejection and the prior art rejection. Agreement was reached that the proposed amendments overcome the Markush group rejection and prior art rejection based on Chandrakumar '646. However, the Examiner conducted a new search on the proposed new claims. The above new claims and the following arguments take into account the Examiner's comments in the interview.

Status of the Claims

Claims 19-37 are pending in this application. Claim 1-3 and 5-17 are canceled in this paper. Claims 4 and 18 were previously canceled. Claims 19-37 have been added. No claims have been amended. No new matter has been added by the above new claims.

Improper Markush Rejection

The Examiner rejects claims 1-3 and 5-17 for an improper Markush group due to the species election. Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants submit new claims to specifically define variables M and W in the old formula (I) that was recited in canceled claim 1. Applicants submit that the above new claims particularly and distinctly recite the claimed invention. As such, Applicants respectfully request that this rejection be withdrawn.

Rejections under 35 USC §§ 102(b) or 103(a)

The Examiner rejects claims 1-3 and 5-16 as anticipated by or obvious over Chandrakumar et al. USP 5,773,646 (Chandrakumar '646). The Examiner states that the compound of Chandrakumar '646 overlaps with the compound of the present invention when Y is a substituted phenyl, L is a bond, X is C(O)NH, Z is phenylene, M is CH₂, R¹ is H and W is COOH. Applicants traverse the rejection and respectfully request the withdrawal thereof.

To overcome both the anticipation and obviousness rejections, Applicants submit new claims 19-37. The newly claimed invention defines V as a 2 to 3 carbon alkyl, W as -OH, and X as an amide or sulfonamide or as oxygen. (However, the oxygen is never directly attached to the phenyl, where T is a bond.) As such, Applicants submit that Chandrakumar '646 fails to disclose or suggest a compound falling within formula (I) of claim 19. Thus, these rejections should be withdrawn.

Prior Art from Interview Search

In the personal interview, the Examiner conducted a search on the new formula (I) in STN. The closest prior art discovered was in hit 7 of 7 RN 311769-58-1 and RN 311770-60-2. The above claims do not overlap with these compounds, because when T is a single bond, X is not -NHCO and L is not a C₁₋₆ alkylene group.

Information Disclosure Statement

Applicants submit therewith an Information Disclosure Statement to submit USP 6,528,525 and WO 99/18066. The compounds disclosed in these references have groups of X-CO-NR¹-R²-Y- and -Z-C(W)(R⁴)COOH. However, neither of these references shows the positions for these groups in detail. No description of the attachment positions is described, only the *para* position is shown in the structure. The only examples that do show the *meta* position are when the group is X-CO-NR¹-R²-O- (where Y is oxygen); yet this compound is excluded from the presently claimed invention.

In the presently claimed invention, the compounds are characterized in structure by the group on the benzene ring, including Y, L, X and T and the group CH₂-CH(OV)-CO₂H being in the *meta*-positions to each other. As such, the present invention is distinguished from the compounds disclosed in USP 6,528,525 and WO 99/18066.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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